Approved For Release 2007/10/19 : CIA-RDP99-00498R000300050002-5

ARTICLE APPEARED ON PAGE 27
THE WASHINGTON POST
7 December 1977

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The CIA's 'Unequivocal' Right to Prior Review

There have been stories in the media in recent weeks concerning a new book—"Decent Interval," by Frank Snepp— that is critical of the CIA's role in the closing days of Vietnam. News stories question whether the CIA had the right to review this book or, by extension, *any* work before publication and, if so, whether it had the right to excise portions it reasonably considered damaging to national security.

The answer to the first question is unequivocally yes. The CIA had the right to review because the author had signed a specific agreement to that effect as part of the terms of his employment with the agency. At no time prior to publication did he challenge the validity of that agreement. Rather, he claims there is some higher right that gives him the privilege of breaking that oath.

Yet, all of the evidence upon which Snepp bases that rationale was available to him when he met with me on May 17 of this year. In that meeting he explicitly promised me that he would fulfill his written obligation to provide us his manuscript for review. More than that, he reaffirmed this obligation a few days later in writing.

The Central Intelligence Agency, and I as its Director, accepted this man at his word. We made no effort to monitor the progress of his activities. He simply violated both his own oath and our trust. Moreover, his publisher, Random House, and his initial TV interviewer, "60 Minutes," have also acknowledged that they were party to this deliberate evasion of written and spoken promises.

Why do people and organizations feel that duplicity is justified in circumstances like these? Because, I suspect, of an erroneous premise, clearly expressed in some of the newspaper articles on this case, that government employees inevitably place covering their and their agencies' reputations above their duties and even above the law. This is a common anti-establishment reaction that has become so familiar in recent years. Its fallacy lies in the absence of any evidence that the CIA, over the past year and a half when Snepp was writing his book, deliberately used secrecy to protect its reputation. To the contrary, the public record attests unequivocally to the agency's willingness to face the past squarely, whatever the effect on its public reputation. The self-revelations last July of the MKULTRA drug-abuse activities of the 1950s and the 1960s are only the most recent examples of this forthright policy. What is at stake, however, is a fundamental issue for our society. If the society cannot trust the judgment of its public servants regarding what should or should not be withheld from the public, then the society can in fact have no secrets at all. The logical extension of the Ellsburg-Snepp syndrome is that any of our 210 million citizens is entitled to decide what should or should not be classified information.

Secrecy is, of course, dangerous. It can be abused. Yet, some things must be secret. Clearly there must be checks and balances on those who decide. But because these judgments are difficult does not mean that the chaos of no regulation at all is to be preferred. I believe that the public recognizes the necessity for some secrecy in our modern society. There is no question that we each recognize it in our individual lives. Nor is there a question that we recognize it in the extension to government. None of us is so naive as to believe that we live in a totally open and benign world. Many of our efforts, like those directed toward strategic-arms limitations, which could move us closer to the open and peaceful world that we all desire, would be impossible if we tried to negotiate from a position of total openness. Nonetheless, how much secrecy is necessary and who should decide what will remain secret are vexing issues.

How much must always be a matter of the subjective judgment of human beings. The best we can do is build into our system, as we have in the past few years, a series of bureaucratic checks and balances that will control secrets and secret activities, yet at the same time protect the public from any abuses that excessive secrecy can encourage. Beyond that, another check is the ballot box, where the public exercises ultimate control over the quality of individuals in public office. And, also, the free media in our society can assist the public in ensuring against excesses of secrecy. However, such vigilance does not best proceed from the unsubstantiated assumption of evil motives on the part of all public servants. Investigative reporting does imply some measure of investigation. No one from Random House or CBS, for instance, contacted me or anyone else in the CIA to investigate the other side of this story. It would appear that they feared that we might have obtained an injunction against publication. Yet, an injunction is a legal mechanism of our judicial process. It, too, is a means of protecting the public. Should corporations be encouraged to skirt the legal mechanisms of our country by subterfuge?

This case in itself is not worthy of this much discussion. It is only of interest as an example of our dwindling capacity to maintain the minimal level of secrecy essential to the effective operation of our

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intelligence apparatus, as well as many other organs of our government. It is remarkable today, and I say this with no self-pride because I am a newcomer, that the Central Intelligence Agency can operate as effectively as it does despite these circumstances. President Carter has said, "One of the greatest surprises to me in coming to office is how effective the CIA is." The concomitant of this fine performance is the fundamentally healthy and patriotic attitude within the agency despite its being a frequent whipping boy. There is no question in my mind that the people of the United States recognize the need for good intelligence and can appreciate the destructive effect the carping of a Snepp can have. It is time, instead, to concentrate on the constructive role of oversight of the CIA and other agencies of the government.

I hope that the public will join us in the CIA in seeking constructively to understand and build our role for the future. We need less encumbrance from national self-flagellation over the past and more interest in how we can achieve a workable balance between necessary secrecy on the one hand and oversight on the other. Perhaps that venerable statesman Averell Harriman is overly generous when he often says, "The CIA is our first line of defense." But he is not far enough off that we can afford less than a constructive approach to what the CIA should be providing for the defense of our country and its institutions.

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